

**79-3-101. Title.**

This chapter is known as "Utah Geological Survey."

Enacted by Chapter 344, 2009 General Session

**79-3-102. Definitions.**

As used in this chapter:

- (1) "Agency" means a department, division, office, bureau, board, commission, or other administrative unit of the state.
- (2) "Board" means the Board of the Utah Geological Survey.
- (3) "Collection" means a specimen and the associated records documenting the specimen and its recovery.
- (4) "Critical paleontological resources" means vertebrate fossils and other exceptional fossils that are designated state paleontological landmarks as provided for in Section 79-3-505.
- (5) "Curation" means:
  - (a) management and care of collections according to standard professional museum practice, which may include inventorying, accessioning, labeling, cataloging, identifying, evaluating, documenting, storing, maintaining, periodically inspecting, cleaning, stabilizing, conserving, exhibiting, exchanging, or otherwise disposing of original collections or reproductions; and
  - (b) providing access to and facilities for studying collections.
- (6) "Curation facility" is as defined in Section 53B-17-603.
- (7) "Director" means the director of the survey.
- (8) "Excavate" means the recovery of critical paleontological resources.
- (9) "Museum" means the Utah Museum of Natural History.
- (10) "Paleontological resources" means remains of prehistoric life pertaining to the natural history of the state.
- (11) "Repository" is defined as provided in Section 53B-17-603.
- (12) "School and institutional land grants" means the transfer of properties pursuant to Sections 6 and 8 of the Utah Enabling Act and Utah Constitution Article XX.
- (13) "School and institutional trust lands" are those properties defined in Section 53C-1-103.
- (14) "Site" means any paleontological deposit or other location that is the source of a specimen.
- (15) "Specimen" means remains of a critical paleontological nature found on or below the surface of the earth.
- (16) "State Paleontological Register" means a register of paleontological sites and localities.
- (17) "Survey" means the Utah Geological Survey.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-201. Establishment of survey within the department -- General supervision of the survey.**

The survey is established within the department under:

- (1) the administration and general supervision of the executive director; and
- (2) the policy direction of the board.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-202. Powers and duties of survey.**

- (1) The survey shall:
  - (a) assist and advise state and local agencies and state educational institutions on geologic, paleontologic, and mineralogic subjects;
  - (b) collect and distribute reliable information regarding the mineral industry and mineral resources, topography, paleontology, and geology of the state;
  - (c) survey the geology of the state, including mineral occurrences and the ores of metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface and ground water resources, with special reference to their economic contents, values, uses, kind, and availability in order to facilitate their economic use;
  - (d) investigate the kind, amount, and availability of mineral substances contained in lands owned and controlled by the state, to contribute to the most effective and beneficial administration of these lands for the state;
  - (e) determine and investigate areas of geologic and topographic hazards that could affect the safety of, or cause economic loss to, the citizens of the state;
  - (f) assist local and state agencies in their planning, zoning, and building regulation functions by publishing maps, delineating appropriately wide special earthquake risk areas, and, at the request of state agencies or other governmental agencies, review the siting of critical facilities;
  - (g) cooperate with state agencies, political subdivisions of the state, quasi-governmental agencies, federal agencies, schools of higher education, and others in fields of mutual concern, which may include field investigations and preparation, publication, and distribution of reports and maps;
  - (h) collect and preserve data pertaining to mineral resource exploration and development programs and construction activities, such as claim maps, location of drill holes, location of surface and underground workings, geologic plans and sections, drill logs, and assay and sample maps, including the maintenance of a sample library of cores and cuttings;
  - (i) study and analyze other scientific, economic, or aesthetic problems as, in the judgment of the board, should be undertaken by the survey to serve the needs of the state and to support the development of natural resources and utilization of lands within the state;
  - (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the work accomplished by the survey, directly or in collaboration with others, and collect and prepare exhibits of the geological and mineral resources of this state and interpret their significance;
  - (k) collect, maintain, and preserve data and information in order to accomplish the purposes of this section and act as a repository for information concerning the geology of this state;
  - (l) stimulate research, study, and activities in the field of paleontology;
  - (m) mark, protect, and preserve critical paleontological sites;

(n) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;

(o) administer critical paleontological site excavation records;

(p) edit and publish critical paleontological records and reports; and

(q) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in accordance with applicable federal program guidelines, administer federally funded state programs regarding:

(i) renewable energy;

(ii) energy efficiency; and

(iii) energy conservation.

(2) (a) The survey may maintain as confidential, and not as a public record, information provided to the survey by any source.

(b) The board shall adopt rules in order to determine whether to accept the information described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

(c) The survey shall maintain information received from any source at the level of confidentiality assigned to it by the source.

(3) Upon approval of the board, the survey shall undertake other activities consistent with Subsection (1).

(4) (a) Subject to the authority granted to the department, the survey may enter into cooperative agreements with the entities specified in Subsection (1)(g), if approved by the board, and may accept or commit allocated or budgeted funds in connection with those agreements.

(b) The survey may undertake joint projects with private entities if:

(i) the action is approved by the board;

(ii) the projects are not inconsistent with the state's objectives; and

(iii) the results of the projects are available to the public.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-203. Director of survey -- Designation as state geologist --  
Qualifications -- Duties and authority.**

(1) The director is:

(a) the executive and administrative head of the survey; and

(b) designated the state geologist.

(2) The director's qualifications shall include:

(a) graduation from a recognized university; and

(b) demonstrated competency in:

(i) the science of geology; and

(ii) administration.

(3) (a) The director administers the survey for the benefit of the public.

(b) A person may not call upon or require the director or his associates to enter upon any special survey for the benefit of that person.

(4) The director, subject to review by the board and approval by the executive director of the department, may initiate cooperative agreements with private companies

or parties or state or federal agencies to carry out the provisions of this chapter.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-204. Personnel of survey -- Employment -- Restrictions -- Salaries and benefits.**

(1) The director, after consultation with the board and approval by the executive director, shall select, employ, or contract for qualified individuals and services required to carry out the provisions of this chapter within the authorized programs and within the allocated and budgeted funds.

(2) (a) Persons retained on a contract basis act in the capacity of independent contractors and are not subject to the Utah State Personnel Management Act.

(b) Each contract written for the services described in Subsection (1) shall include the information in this Subsection (2).

(3) (a) An employee of the survey may not:

(i) have an interest in lands within the state that creates a conflict of interest harmful to the goals and objectives of the survey; or

(ii) obtain financial gain by reason of information obtained through work as an employee of the survey.

(b) The board shall resolve questions regarding potential conflicts and financial gain.

(c) For permanent employees, the restriction in Subsection (3)(a) is terminated at the end of a two-year period following termination of service or, with respect to information which is confidential and not a public record, for however long the information is classified as confidential and not a public record, whichever period of time is longer.

(d) The time periods established in Subsection (3)(c), which can be modified only after publication of the data, apply to contractors or consultants employed on special problems.

(4) (a) A survey employee may not engage in outside or private work which is or can be in conflict with the operations, goals, and objectives of the survey.

(b) The board shall resolve issues regarding outside or private work by a survey employee.

(5) Survey personnel are paid in accordance with state salary schedules and are subject to state benefit and retirement programs.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-205. Investigatory powers and immunities of survey personnel.**

(1) Authorized survey personnel, after providing reasonable notification and identification, have the right to enter all lands subject to the police power of the state for the purpose of securing geologic, topographic, and mineral and water resource information or specimens and samples required by the survey in fulfillment of its objectives.

(2) Survey personnel are immune from trespass while engaged on official business.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-301. Board of Utah Geological Survey created.**

- (1) There is created within the department the Board of the Utah Geological Survey.
- (2) The board is the policymaking body for the survey.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-302. Members of board -- Qualifications and appointment -- Vacancies -- Organization -- Meetings -- Financial gain prohibited -- Expenses.**

- (1) The board consists of seven members appointed by the governor, with the consent of the Senate.
- (2) In addition to the requirements of Section 79-2-203, the members shall have the following qualifications:
  - (a) one member knowledgeable in the field of geology as applied to the practice of civil engineering;
  - (b) four members knowledgeable and representative of various segments of the mineral industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;
  - (c) one member knowledgeable of the economic or scientific interests of the mineral industry in the state; and
  - (d) one member who is interested in the goals of the survey and from the public at large.
- (3) The director of the School and Institutional Trust Lands Administration is an ex officio member of the board but without any voting privileges.
- (4)
  - (a) Except as required by Subsection (4)(b), members are appointed for terms of four years.
  - (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (c) No more than four members may be of the same political party.
  - (d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor with the consent of the Senate.
- (5) The board shall select from its members a chair and such officers and committees as it considers necessary.
- (6)
  - (a) The board shall hold meetings at least quarterly on such dates as may be set by its chair.
  - (b) Special meetings may be held upon notice of the chair or by a majority of its members.
  - (c) A majority of the members of the board present at a meeting constitutes a quorum for the transaction of business.
- (7) Members of the board may not obtain financial gain by reason of information

obtained during the course of their official duties.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session

**79-3-303. Responsibilities of board.**

The board has the following responsibilities:

- (1) establish and review policies, programs, and priorities;
- (2) review and recommend budgets;
- (3) assess the needs of the community with regard to development and use of geologic resources;
- (4) keep the director advised concerning survey policies; and
- (5) enact rules in accordance with Title 63G, Chapter 3, the Utah Administrative Rulemaking Act, that are necessary to carry out the purposes of this chapter.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-401. Disposition of survey income -- Sources of funds.**

(1) Income to the survey is deposited with the state treasurer and credited by the treasurer to the General Fund as dedicated credits for use by the survey.

(2) In addition to those funds that are available to the survey under Subsection (1), the Legislature shall provide such funds by appropriation as are reasonably necessary to meet the requirements of the survey in the performance of its duties and obligations.

Amended by Chapter 303, 2011 General Session

**79-3-402. Utah Geological Survey Sample Library Fund.**

(1) There is created an expendable special revenue fund known as the "Utah Geological Survey Sample Library Fund."

(2) The fund consists of money from the following revenue sources:

(a) donations or contributions from individuals, companies, organizations, or government entities; and

(b) interest generated by the fund.

(3) The director shall administer the fund.

(4) (a) Donations and other contributions to the fund and unallocated interest as provided in Subsection (5)(c) shall constitute the fund's principal.

(b) The principal may be expended only with the concurrence of the board.

(5) (a) Interest generated by the fund may be expended to support the sample library as provided in Subsections (5)(b) and (c).

(b) An amount of money equal to or less than the interest generated by the fund

in the previous fiscal year may be expended annually in support of the sample library.

(c) Funds that are eligible to be spent, but remain unallocated at the end of any fiscal year, revert to the fund and become part of the fund's principle.

Amended by Chapter 400, 2013 General Session

**79-3-501. Permit required to excavate critical paleontological resources on state lands -- Removal of specimen or site.**

(1) (a) Before excavating for critical paleontological resources on lands owned or controlled by the state or its subdivisions, except as provided in Section 79-3-502, a person must obtain a permit from the survey.

(b) Application for a permit shall be made on a form furnished by the survey.

(c) The survey shall make rules for the issuance of permits specifying or requiring:

(i) the minimum permittee qualifications;

(ii) the duration of the permit;

(iii) proof of permission from the land owner that the permittee may enter the property for purposes specified in the permit;

(iv) research designs that provide for the maximum recovery of scientific, paleontological, and educational information, in addition to the physical recovery of specimens and the reporting of paleontological information meeting current standards of scientific rigor;

(v) the need, if any, to submit data obtained in the course of field investigations to the survey;

(vi) proof of consultation with the designated museum representative regarding curation of collections;

(vii) proof of consultation with other agencies that may manage other legal interests in the land; and

(viii) other information the survey considers necessary.

(2) All paleontological work shall be carried out under the supervision of the director, or assigned staff.

(3) A person may not remove from the state, prior to placement in a repository or curation facility, a specimen, site, or portion of a specimen or site from lands owned or controlled by the state or its subdivisions, except as provided in Section 79-3-502, without permission from the survey, and without prior consultation with the landowner or other agencies managing other interests in the land.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-502. Permit required to excavate critical paleontological resources on school and institutional trust lands -- Removal of specimen or site.**

(1) (a) Before excavating for critical paleontological resources on school or institutional trust lands, a person must obtain a permit from the School and Institutional Trust Lands Administration.

(b) The School and Institutional Trust Lands Administration may, by rule, delegate the authority to issue excavation permits for critical paleontological resources

to the survey.

(c) Application for a permit shall be made on a form furnished by the School and Institutional Trust Lands Administration.

(d) Prior to issuing a permit, the school and institutional trust lands administration shall consult with the survey director, or assigned staff, pursuant to Section 79-3-508.

(e) The School and Institutional Trust Lands Administration shall enact rules for the issuance of permits specifying or requiring:

(i) the minimum permittee qualifications;

(ii) the duration of the permit;

(iii) the need, if any, to submit data obtained in the course of field investigations to the administration;

(iv) proof of consultation with the designated museum representative regarding curation of collections; and

(v) other information the School and Institutional Trust Lands Administration considers necessary.

(2) A person may not remove from the state, prior to placement in a repository or curation facility, a specimen, site, or portion of a specimen or site from school and institutional trust lands without permission from the School and Institutional Trust Lands Administration, granted after consultation with the survey.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-503. Ownership of collections and resources.**

(1) Collections recovered from lands owned or controlled by the state or its subdivisions, except as provided in Subsection (2), shall be owned by the state.

(2) Collections recovered from school and institutional trust lands shall be owned by the respective trust.

(3) Paleontological resources, other than critical paleontological resources, recovered from school and institutional trust lands, shall be owned by the respective trust and shall be managed pursuant to statutory authority of the School and Institutional Trust Lands Administration.

(4) The repository or curation facility for collections from lands owned or controlled by the state or its subdivisions shall be designated pursuant to Section 53B-17-603.

(5) Specimens found on lands owned or controlled by the state or its subdivisions may not be sold.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-504. Revocation or suspension of permits -- Criminal penalties.**

(1) A permitting agency under Section 79-3-501 or 79-3-502 may revoke or suspend a permit if the permittee fails to conduct the excavation pursuant to the law, the rules enacted by the permitting agency, or permit provisions.

(2) (a) A person violating any provision of Section 79-3-501 or 79-3-502 is guilty of a class B misdemeanor.



(b) A person convicted of violating any provision of Section 79-3-501 or 79-3-502, or the rules promulgated by the survey or the School and Institutional Trust Lands Administration under those sections, shall forfeit to the state or the respective trust all paleontological resources discovered by or through the person's efforts, in addition to any penalties imposed.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-505. Paleontological landmarks.**

(1) (a) Sites of significance or sites with exceptional fossils may be recommended to and approved by the board as state paleontological landmarks.

(b) No privately owned site or site on school or institutional trust lands may be so designated without the written consent of the owner or the trust.

(2) A person may not excavate on a privately owned designated landmark without a permit from the survey.

(3) Before an alteration is commenced on a designated landmark, three months notice of intent to alter the site shall be given the survey.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-506. Report of discovery on state or private lands.**

(1) A person who discovers any paleontological resources on privately owned lands or on lands owned or controlled by the state or its subdivisions shall promptly report the discovery to the survey.

(2) Field investigations shall be discouraged except in accordance with this chapter.

(3) Nothing in this section may be construed to authorize a person to excavate for paleontological resources.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-507. State paleontological register -- Survey duties.**

(1) The survey shall establish a state paleontological register for the orderly identification and recognition of the state's paleontological resources.

(2) The board shall notify owners of sites and localities before placing those sites or localities on the State Paleontological Register.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-508. Agency responsibilities -- Allowing director reasonable opportunity to comment.**

(1) Before expending state funds or approving an undertaking, each state agency shall:

(a) take into account the effect of the undertaking on a specimen that is included in or eligible for inclusion in the State Paleontological Register; and

(b) allow the director or assigned staff a reasonable opportunity to comment

regarding the undertaking or expenditure.

(2) The director or assigned staff shall advise on ways to maximize the amount of scientific, paleontological, and educational information recovered, in addition to the physical recovery of specimens and the reporting of paleontological information, at current standards of scientific rigor.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-509. Curriculum and materials for the training of volunteers who assist paleontologists.**

(1) The survey shall develop a curriculum and materials for the training of volunteers who assist paleontologists in the field and laboratory.

(2) The director shall appoint a qualified survey employee to develop the curriculum and materials under this section.

(3) The survey may request input and assistance from any interested organization in developing the curriculum and materials.

(4) The survey may collect fees to cover the costs of the materials and updating of the curriculum.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-510. Protection of school and institutional trust land interests relating to paleontological resources.**

(1) The School and Institutional Trust Lands Administration shall develop policies and procedures for the excavation, preservation, placement in a repository, curation, and exhibition of critical paleontological resources from school and institutional trust lands that:

(a) are consistent with the provisions of the school and institutional land grants; and

(b) insure that primary consideration is given, on a site or project specific basis, for the support of the beneficiaries of the school and institutional land grants.

(2) Consistent with the provisions of the school and institutional land grants, the School and Institutional Trust Lands Administration may:

(a) preserve and develop sites found on school and institutional trust lands for scientific or educational purposes; and

(b) provide for the disposition of sites found on school and institutional trust lands, after the appropriate level of data recovery, for preservation, development, or economic purposes.

Renumbered and Amended by Chapter 344, 2009 General Session